

[81937]

January 04, 2021

TO: Honorable Members

Board of Acquisition and Contract

FROM: Michael Orth, MSW

Commissioner, Department of Community Mental Health

SUBJECT: Authority to:

- 1) amend a grant agreement with the United States Department of Housing and Urban Development ("HUD") to accept a grant in an amount of \$8,830,910 in support of the Rental Assistance Project, to be distributed to the County during the period from February 1, 2020 through January 31, 2021, in order to: 1) extend the term of the grant agreement for an additional month, from February 1, 2021 through February 28, 2021; and 2) increase the amount of the grant from \$8,663,217 to \$8,830,910; and
 - 2) amend the resolution approved on March 22, 2018 which authorized the County to enter into five (5) successive one (1) year grant agreements with HUD to accept grant funds totaling approximately \$43,350,352 in support of the Rental Assistance Project, to instead authorize only two successive one (1) year grant agreements with HUD and a third grant agreement for a term of 13 months for a total aggregate amount of approximately \$25,568,594; and
 - 3) amend six (6) agreements with the six (6) agencies listed below for the provision of a Rental Assistance Project for homeless and disabled persons, in order to: 1) change the expiration date of the agreements from January 31, 2023 to February 28, 2021; and 2) decrease the total aggregate amount not-to-exceed thereunder from \$42,430,991 to \$25,031,239, in the individual amounts set forth below.
-

By resolution approved on March 22, 2018 (the "March 22nd Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Community Mental Health (the "Department"), to enter into five (5) successive one (1) year grant agreements (the "Grant Agreements") with HUD to accept grant funds totaling approximately \$43,350,352 in support of a Rental Assistance Project. Thus far, the parties have executed three (3) successive one (1) year Grant Agreements, the last of which is due to expire on January 31, 2021.

Recently, HUD informed the Department that due to the pandemic and other budgetary issues, it is unable to renew the Grant Agreement for next year's term (2/1/21-1/31/22), either on time or for the amount the County applied for. Instead, HUD has offered to extend the term of the current Grant Agreement by one month, to 2/28/2021, to enable the Department expend the unused and increased allocation for the current year so that there will be no interruption in services and also to have ample time to work out the grant award amounts.

Accordingly, authority is now requested to amend the Grant Agreement with HUD to accept a grant in the amount of \$8,830,910 in support of the Rental Assistance Project, to be distributed to the County during the period from February 1, 2020 through January 31, 2021, in order to: 1) extend the term of the Grant Agreement for an additional month, from February 1, 2021 through February 28, 2021; and 2) increase the total amount under the Grant Agreement by an additional \$167,693, from \$8,663,217 to \$8,830,910.

In addition, since the parties are not certain about the term and amounts for Grant Agreements for the fourth and fifth successive one (1) years terms as authorized by the March 22nd Resolution, authority is further requested to amend the March 22nd Resolution to reflect only two successive one (1) year Grant Agreements with HUD (2/1/18-1/31/19 and 2/1/19-1/31/20 respectively) and a third Grant Agreement for a term of 13 months (2/1/20-2/28/21), for a total aggregate amount of approximately \$25,568,594, instead of five (5) successive one (1) year grant agreements totaling approximately \$43,350,352, as was originally authorized.

Lastly, HUD's inability to renew the Grant Agreement for next year's term will also necessitate amending the sub-grant agreements with the 6 providers (the "Sub-Grant Agreements") to change the expiration date of those agreements from 1/31/23 to 2/28/21, as well as reduce their NTE amounts. Accordingly, authority is further requested to amend the six (6) Sub-Grant Agreements with the six (6) agencies listed below for the provision of Rental Assistance Project services for homeless and disabled persons, in order to: 1) change the expiration date of the agreements from January 31, 2023 to February 28, 2021; and 2) decrease the total aggregate amount not-to-exceed amount thereunder from \$42,430,991 to \$25,031,239, in the individual amounts set forth below:

Current Sub-grant Agreements	Term	Amt
HDSW	2/1/18-1/31/23	14,780,224
Lexington Ctr	"	7,655,247
Lifting Up West	"	3,808,066
Westhab Inc	"	7,272,376
Guidance Ctr	"	3,288,542
MHA of West	"	5,626,536
DCMH-Admn	"	919,361
Total		43,350,352

Revised Sub-grant Agreements	Term	Amt
HDSW	2/1/18-2/28/21	8,597,088
Lexington Ctr	"	4,446,714
Lifting Up Westchester	"	2,216,180
Westhab Inc	"	4,581,360
Guidance Ctr	"	1,913,567
MHA of West	"	3,276,330
DCMH-Admn	"	537,355
Total		25,568,594

The Rental Assistance Project, funded by the United States Department Housing and Urban Development, provides housing for homeless disabled persons.

Both the Grant Agreements and the Sub-Grant Agreements will serve a public purpose by providing housing and supportive services on a long-term basis for homeless persons with disabilities (primarily those with serious mental illness and/or chronic problems with alcohol and/or drugs) and their families who are living in places not intended for human habitation (e.g., streets), drop-ins or in emergency shelters.

The goals and objectives of the agreements are to provide housing and supportive services on a long-term basis for homeless persons with disabilities, (primarily those with serious mental illness and/or chronic problems with alcohol and/or drugs) and their families who are living in places not intended for human habitation (e.g., streets), drop-ins or in emergency shelters.

The goals and objectives are in the best interests of the County as those that are in need of housing will be able to find housing that is in a safe and secure environment and not in the streets. This will assist those in transition to find affordable housing and lead productive lives in Westchester County.

The goals and objectives will be tracked and monitored by requiring housing providers to complete the HUD Annual Progress Report (APR). Performance of providers is tracked using the following two outcomes:

- Increased residential stability
- Increased skill level and/or income

The Grant Agreements do not constitute a procurement and as such are not subject to the requirements of the County Procurement Policy.

The Sub-Grant Agreements are competitively bid at inception through the application process and have been approved by HUD. Therefore, they are specifically excepted from the Federal Common Grant Rules. The Department maintains documentation to substantiate HUD's approval of these agencies.

Except as specifically amended hereby, all remaining terms and conditions set forth in the Grant Agreement and the Sub-Grant Agreements shall remain in full force and effect upon the parties.

Except as specifically amended hereby, all remaining terms and conditions set forth in the March 22nd Resolution shall remain in full force and effect upon the parties

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

The Agencies are reimbursed against actual expenses in accordance with the applicable regulations prescribed by the United States Department of Housing and Urban Development.

Thank you for your consideration of this matter.

MO/TP/JPG/nn

Attachment

RESOLUTION

Upon a communication from the Commissioner of the Department of Community Mental Health, be it hereby

RESOLVED, that the County of Westchester (the "County"), acting by and through the Westchester County Department of Community Mental Health (the "Department"), is authorized to amend a grant agreement (the "Grant Agreement") with the United States Department of Housing and Urban Development ("HUD") to accept a grant in an amount of \$8,830,910 in support of the Rental Assistance Project, to be distributed to the County during the period from February 1, 2020 through January 31, 2021, in order to: 1) extend the term of the Grant Agreement for an additional month, from February 1, 2021 through February 28, 2021; and 2) increase the amount of the grant by an additional \$167,693, from \$8,663,212 to \$8,830,910 ; and be it further

RESOLVED, that the resolution approved on March 22, 2018 (the "March 22nd Resolution"), which, *inter alia*, authorized the County to enter into five (5) successive one (1) year grant agreements with HUD to accept grant funds totaling approximately \$43,350,352 in support of a Rental Assistance Project, is hereby amended to authorize only two successive one (1) year Grant Agreements with HUD (2/1/18-1/31/19 and 2/1/19-1/31/20 respectively) and a third Grant Agreement for a term of 13 months (2/1/20-2/28/21), for a total aggregate amount of approximately \$25,568,594; and be it further

RESOLVED, that the County, acting by and through the Department, is authorized to amend six (6) agreements with the six (6) agencies listed below (the "Sub-Grant Agreements") for the provision of Rental Assistance Project services for homeless and disabled persons, in order to: 1) change the expiration date of the agreements from January 31, 2023 to February 28, 2021; and 2) decrease the total aggregate amount not-to-exceed thereunder from \$42,430,991 to \$25,031,239, in the individual amounts set forth below:

Current Agreements	Term	Amt
Sub-grant Agreements		
HDSW	2/1/18-1/31/23	14,780,224
Lexington Ctr	"	7,655,247
Lifting Up West	"	3,808,066
Westhab Inc	"	7,272,376
Guidance Ctr	"	3,288,542

Revised Agreements	Term	Amt
HDSW	2/1/18-2/28/21	8,597,088
Lexington Ctr	"	4,446,714
Lifting Up Westchester	"	2,216,180
Westhab Inc	"	4,581,360
Guidance Ctr	"	1,913,567

MHA of West	"	5,626,536
DCMH-Admn	"	919,361
Total		43,350,352

MHA of West	"	3,276,330
DCMH-Admn	"	537,355
Total		25,568,594

; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Grant Agreement and the Sub-Grant Agreements shall remain in full force and effect upon the parties; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the March 22nd Resolution shall remain in full force and effect upon the parties; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute this agreement for the County of Westchester.

Account to be charged/credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/Sub Object	Trust Account	Dollars
2018	101	26	2000	9852		(134,441)
2018	101	26	2000	9818		134,441
	263	26	490U	4380	T490	(89,336)
	263	26	490U	9852	T490	(89,336)
2019	101	26	2000	9852		(149,352)
2019	101	26	2000	9818		149,352
2019	101	26	2000	Various		137
2019	101	26	2000	9818		137
2020	101	26	2000	9852		(152,339)
2020	101	26	2000	9818		152,339

	263	26	490V	4380	T490	167,693
	263	26	490V	9852	T490	167,693
2020	101	26	2000	Various		(15,881)
2020	101	26	2000	9818		(15,881)
	263	26	490W	4380		(8,652,529)
	263	26	490W	9852		(8,652,529)
2021	101	26	2000	Various		(155,386)
2021	101	26	2000	9852		(155,386)
	263	26	522W	Various		(31,784)
	263	26	522W	9852		(31,784)
2021	101	26	2000	Various		23,035
2021	101	26	2000	9818		23,035
	263	26	522W	Various		4,711
	263	26	522W	9852		4,711
	263	26	490X	4380		(8,825,580)
	263	26	490X	9852		(8,825,580)
2022	101	26	2000	Various		(158,493)
2022	101	26	2000	9852		(158,493)
	263	26	522X	Various		(32,420)
	263	26	522X	9852		(32,420)
2023	101	26	2000	Various		(13,219)
2023	101	26	2000	9852		(13,219)
	263	26	522Y	Various		(2,706)
	263	26	522Y	9852		(2,706)

Budget Funding Year(s) 2018-2021
(must match resolution)

Start Date: February 1, 2018 End Date: February 28, 2021

Funding Source: Tax Dollars \$ _____
State Aid \$ _____

\$(17,781,758)
(must match resolution)

Federal Aid	\$(17,781,758)
Other	\$ _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/21/2021 - JOAN COCCIARDI, SECRETARY